

ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature – Second Regular Session

MINUTES RECEIVED  
CHIEF CLERK'S OFFICE

3-16-16

**COMMITTEE ON FEDERALISM AND STATES' RIGHTS**

Report of Regular Meeting  
Wednesday, March 16, 2016  
House Hearing Room 5 -- 9:00 a.m.

**Convened** 9:03 a.m.  
**Recessed**  
**Reconvened**  
**Adjourned** 10:04 a.m.

**Members Present**

Mr. Finchem  
Mr. Mitchell  
Ms. Rios  
Mr. Thorpe  
Ms. Velasquez  
Mr. Wheeler  
Mr. Campbell, Vice-Chairman  
Ms. Townsend, Chairman

**Members Absent**

**Agenda**

Original Agenda – Attachment 1

**Request to Speak**


Report – Attachment 2

**Presentations**

<b><u>Name</u></b>	<b><u>Organization</u></b>	<b><u>Attachments (Handouts)</u></b>
Rep. Sal Esquivel	Oregon House of Representatives	

**Committee Action**

<b><u>Bill</u></b>	<b><u>Action</u></b>	<b><u>Vote</u></b>	<b><u>Attachments</u></b> (Summaries, Amendments, Attendance)
SB1437	DP	4-3-0-1	3, 4
SCM1009	DP	6-1-0-1	5, 6
SCM1017	DP	6-1-0-1	7, 8
	Committee Attendance		9

  
Jackie Wright, Chairman Assistant  
3/16/16

(Original attachments on file in the Office of the Chief Clerk; video archives available at <http://www.azleg.gov>)

Convened: 9:03 A.M.  
adjourned: 10:04 A.M.

ARIZONA HOUSE OF REPRESENTATIVES  
Fifty-second Legislature - Second Regular Session

REGULAR MEETING AGENDA

**COMMITTEE ON FEDERALISM AND STATES' RIGHTS**

DATE Wednesday, March 16, 2016

ROOM HHR 5

TIME 9:00 A.M.

Members:

Mr. Finchem  
Mr. Mitchell  
Ms. Rios

Mr. Thorpe  
Ms. Velasquez  
Mr. Wheeler

Mr. Campbell, Vice-Chairman  
Ms. Townsend, Chairman

Presentation

Representative Sal Esquivel, Oregon House of Representatives

Bills	Short Title	Strike Everything Title
SB1437	<u>DP</u> national defense laws; prohibited actions (Burgess)	
	<u>4-3-0-1</u> FSR, RULES	
SCM1009	<u>DP</u> Cherrybell; mail processing center (Dalessandro, Farley, Gabaldón, et al)	
	<u>6-1-0-1</u> FSR, RULES	
SCM1017	<u>DP</u> Diné college act; urging Congress (Begay)	
	<u>6-1-0-1</u> FSR, RULES	

**ORDER OF BILLS TO BE SET BY THE CHAIRMAN**

JW  
3/10/16

People with disabilities may request reasonable accommodations such as interpreters, alternative formats, or assistance with physical accessibility. If you require accommodations, please contact the Chief Clerk's Office at (602) 926-3032, TDD (602) 926-3241.

# Information Registered on the Request to Speak System

---

## *House Federalism and States' Rights (3/16/2016)*

### **SCM1009, Cherrybell; mail processing center**

#### **Support:**

Todd Baughman, TUCSON, CITY OF; Andrew Greenhill, TUCSON, CITY OF; Dale Wiebusch, Legislative Associate, LEAGUE OF ARIZONA CITIES & TOWNS

### **SB1437, national defense laws; prohibited actions**

#### **Support:**

Corey Spofford, representing self; David Cardon, representing self; James Delton, representing self; Jose Borrajero, representing self; Terrance Traylor, representing self; Jim Kresse, representing self; Michael Gibbs, representing self; Elisha Dorfsmith, representing self; Dennis Genge, representing self; Christine Maceri Genge, representing self; Elisa Dewsgroseilliers, representing self; Martha Hayes, representing self; Jennifer Wellsman, representing self; Danny Ray, representing self; John Baunoch, representing self; Joyce Hill, representing self; Richard Hofelich, representing self; April Pinger, representing self; Donald Cline, representing self; Tom Holding, representing self; Russ Southern, representing self; Rick Dalton, representing self; Kay Reardon, representing self; Jerry Clingman, representing self; Shirley Lamonna, representing self; Jan Humble, representing self; J.R. Morris, representing self; Joel Alcott, representing self; Tracy Langston, Mrs., representing self

#### **Oppose:**

John Thomas, AZ ASSOCIATION OF CHIEFS OF POLICE; Alan Steiner, representing self; Craig McDermott, representing self; Deborah Zajac, representing self; Kathleen Mayer, Pima County Attorney's Office; Austin Hoopes, PINAL COUNTY ATTORNEY'S OFFICE

#### **All Comments:**

Michael Gibbs, Self: The Nat'l Defense Auth Act's provision for indefinite detention of American citizens is a blatant violation of the U.S. Constitutional guarantees of due process and the prohibition of unreasonable searches and seizures. AZ must not participate!; Alan Steiner, Self: Please defeat this unconstitutional legislation; Russ Southern, Self: Constitutional rights must be defended.; Rick Dalton, Self: This bill protects citizens against indefinite detention without charges and possibility of bail, under terrorism laws, WHEN THERE IS NO DECLARATION OF WAR BY THE CONGRESS. TOTALLY CONSTITUTION. UNCONSTITUTIONAL, AND TOTALITARIAN. PLEASE VOTE YES; Kathleen Mayer, Pima County Attorney's Office: this would prohibit local law enforcement from arresting an Arizona citizen who is engaging in human, gun, drug smuggling simply because they were working with federal law enforcement. this does damage public safety; Joel Alcott, Self: I am the State Director for the Tenth Amendment Center. I strongly support this legislation.; Tracy Langston, Self: Support this bill to protect Arizonans' rights to due process.



# HOUSE OF REPRESENTATIVES

SB 1437

national defense laws; prohibited actions

Prime Sponsor: Senator Burges, LD 22

---

X Committee on Federalism and States' Rights

Caucus and COW

House Engrossed

---

## **OVERVIEW**

SB 1437 prohibits any person from arresting, capturing or executing any citizen in the State under the law of war under certain specified circumstances.

## **PROVISIONS**

1. Specifies that it is unconstitutional and unlawful for any person, notwithstanding any treaty, federal, state or local law or authority enacted or claimed to be an authorization for use of military force, to:
  - a) Arrest or capture any person or citizen in this State with the intent of detention under the law of war;
  - b) Subject any person or citizen in this State to disposition under the law of war;
  - c) Execute any person or citizen in this State without judicial sentencing after trial and conviction in a court ordained and established under Article III of the United States Constitution or under the Arizona Constitution.
2. Specifies that the provisions in this bill do not apply to cases arising in the land or naval forces, or in the militia, when in actual service during a time of war or public danger.
3. Requires the Director of the Department of Public Safety or the sheriff of a county to report to the Governor and the Legislature any attempt by an agency or agent of the federal government to secure the implementation of any treaty, federal, state or local law or authority enacted or claimed to be an authorization for use of military force.
4. Subjects any person who violates these provisions to prosecution pursuant to the Arizona Criminal Code, Title 13, or any other applicable law.
5. Adopts the definition of *arrest, capture, detention under the law of war, disposition under the law of war* and *law of war* as prescribed in Section 1021 of the National Defense Authorization Act (NDAA) for FY 2012.
6. Specifies that this bill may be cited as the "Liberty Preservation Act."
7. Contains legislative findings provisions.

## **CURRENT LAW**

Sections 1021 and 1022 of the NDAA give the President and the Armed Forces the authority to use all necessary and appropriate action pursuant to the Authorization for Use of Military Force to detain people who planned, authorized, committed or aided the terrorist attacks that occurred on September 11, 2001, harbored those responsible for those attacks or was a part of or

**SB 1437**

substantially supported al-Qaeda, the Taliban or associated forces that are engaged in hostilities against the United States.

The United States and Arizona Constitution both provide that no person shall be deprived of life, liberty, or property without due process of law.

**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON FEDERALISM AND STATES' RIGHTS BILL NO. SB 1437

DATE March 16, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Finchem					✓
Mr. Mitchell		✓			
Ms. Rios			✓		
Mr. Thorpe		✓			
Ms. Velasquez			✓		
Mr. Wheeler			✓		
Mr. Campbell, Vice-Chairman		✓			
Ms. Townsend, Chairman		✓			
		4	3	0	1

APPROVED:

  
KELLY TOWNSEND, Chairman  
NOEL W. CAMPBELL, Vice-Chairman

  
COMMITTEE SECRETARY

ATTACHMENT \_\_\_\_\_



# HOUSE OF REPRESENTATIVES

SCM 1009

Cherrybell; mail processing center

Prime Sponsor: Senator Dalessandro, LD 2

---

X Committee on Federalism and States' Rights

Caucus and COW

House Engrossed

---

## OVERVIEW

SCM 1009 urges Congress to protest the proposed closing of the Tucson Postal Processing and Distribution Center (Cherrybell).

## PROVISIONS

1. Urges Congress to protest the proposed closing of Cherrybell and take any action necessary to fully restore operations of this postal facility.
2. Requests the Arizona Secretary of State transmit copies of this Memorial to the President of the United States Senate, the Speaker of the United States House of Representatives and each Member of Congress from the State of Arizona.

## CURRENT LAW

Currently not addressed in statute.

## ADDITIONAL INFORMATION

39 United States Code (U.S.C) § 101(a) establishes the United States Postal Service(USPS) to operate as a service provided to the people by the United States Government. USPS have obligation to provide postal services to bind the country together through the personal, educational, literary, and business correspondence of the people. It is required to render prompt, reliable, and efficient services to all communities.

39 U.S.C § 101(b) specifies that the costs of establishing and maintaining the USPS shall not be apportioned to impair the overall value of such service to the people. The USPS must provide a maximum degree of effective and regular postal services to rural areas, communities, and small towns where post offices are not self-sustaining. No small post office shall be closed solely for operating at a deficit to insuring that postal services are provided to all.

Cherrybell serves the entire southern portion of Arizona covering the counties of Pima, Santa Cruz and Cochise.

According to USPS officials, over 3 million pieces of mail go through Cherrybell each day as it is the 15<sup>th</sup> largest facility serving the 33<sup>rd</sup> largest population area in our nation. More than 1.8 million people and 23,197 businesses use the Cherrybell postal services. The processing and sorting operations at Cherrybell that are proposed to be moved to Phoenix affect approximately 280 jobs in Southern Arizona.

**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON FEDERALISM AND STATES' RIGHTS BILL NO. SCM 1009

DATE March 16, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Finchem					✓
Mr. Mitchell			✓		
Ms. Rios		✓			
Mr. Thorpe		✓			
Ms. Velasquez		✓			
Mr. Wheeler		✓			
Mr. Campbell, Vice-Chairman		✓			
Ms. Townsend, Chairman		✓			
		6	1	0	1

APPROVED:

  
KELLY TOWNSEND, Chairman  
NOEL W. CAMPBELL, Vice-Chairman

  
COMMITTEE SECRETARY

ATTACHMENT \_\_\_\_\_





# HOUSE OF REPRESENTATIVES

## SCM 1017

Diné college act; urging Congress  
Prime Sponsor: Senator Begay, LD 7

---

X Committee on Federalism and States' Rights

Caucus and COW

House Engrossed

---

### **OVERVIEW**

SCM 1017 urges Congress to enact the Diné College (College) Act of 2015 (Act).

### **PROVISIONS**

1. Urges Congress to adopt the Act.
2. Directs the Arizona Secretary of State to transmit copies of this Memorial to the Governor, the President of the United States Senate, the Speaker of the United States House of Representatives and each member of Congress from the State of Arizona.

### **CURRENT LAW**

Arizona Revised Statutes § 15-244.01 establishes the Tribal College Dual Enrollment Program Fund (Fund), which appropriates money to the College. The Department of Education (Department) is required to administer the Fund and monies in the Fund are subject to legislative appropriation. The Department is required to distribute monies in the Fund to provide choice and access to higher education in Arizona by compensating tribal colleges for tuition and fees that are waived to allow high school students to attend classes at tribal colleges.

### **ADDITIONAL INFORMATION**

Established in 1986, the College is the first tribally-controlled community college in the United States. The Navajo Nation (Nation) sought to encourage Navajo youth to become contributing members of society in creating an institution of higher education. The College serves residents of the 26,000 square mile Nation, which spans the states of Arizona, New Mexico and Utah.

The Act appropriates federal funding to the College so that it can: (1) provide higher education programs and vocational and technical education for citizens of the Nation and others, (2) preserve and protect the Navajo language, philosophy and culture for citizens of the Nation, (3) provide Navajo communities and people with employment and training opportunities, (4) provide economic development and outreach for Navajo communities, and (5) provide a safe environment for students and public employees to learn, work and live.

The Act authorizes appropriations to the College to pay for its operation and maintenance and allows the funds to be treated as non-federal, private funds for the purpose of any provision of federal law that requires non-federal or private funds of the College be used in a specific project. Finally, the Act directs the Department of the Interior to fund the operation and maintenance of the College separately from the tribal colleges and universities that are recognized and funded by the Tribally Controlled College or University Assistance Act of 1978.

**ARIZONA HOUSE OF REPRESENTATIVES**  
**Fifty-second Legislature - Second Regular Session**

**ROLL CALL VOTE**

COMMITTEE ON FEDERALISM AND STATES' RIGHTS BILL NO. SCM 1017

DATE March 16, 2016 MOTION: DP

	PASS	AYE	NAY	PRESENT	ABSENT
Mr. Finchem					✓
Mr. Mitchell			✓		
Ms. Rios		✓			
Mr. Thorpe		✓			
Ms. Velasquez		✓			
Mr. Wheeler		✓			
Mr. Campbell, Vice-Chairman		✓			
Ms. Townsend, Chairman		✓			
		6	1	0	1

APPROVED:

  
KELLY TOWNSEND, Chairman  
NOEL W. CAMPBELL, Vice-Chairman

  
COMMITTEE SECRETARY

ATTACHMENT \_\_\_\_\_

# ARIZONA STATE LEGISLATURE

## Fifty-second Legislature - Second Regular Session

### COMMITTEE ATTENDANCE RECORD

COMMITTEE ON FEDERALISM AND STATES' RIGHTS

CHAIRMAN: Kelly Townsend VICE-CHAIRMAN: Noel W. Campbell

DATE	3/9 /16	3/16 /16	/16	/16	/16
CONVENED	9:04 AM	9:03 AM	m	m	m
RECESSED					
RECONVENED					
ADJOURNED	10:26 A.M.	10:04 A.M.			
MEMBERS					
Mr. Finchem	✓	✓			
Mr. Mitchell	✓	✓			
Ms. Rios	exc	✓			
Mr. Thorpe	✓	✓			
Ms. Velasquez	—	✓			
Mr. Wheeler	—	✓			
Mr. Campbell, Vice-Chairman	✓	✓			
Ms. Townsend, Chairman	✓	✓			

✓ Present      --- Absent      exc Excused